

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ENZO BIOCHEM, INC. ET AL., :
 :
Plaintiffs, :
 :
vs. : 02-CV-8448 (RJS)
 :
AMERSHAM PLC, et al., :
 :
Defendants, :
 :
AND RELATED CASES NAMING :
 :
MOLECULAR PROBES, INC., PERKINELMER, : 03-CV-03817 (RJS)
INC., PERKINELMER LIFE SCIENCES, INC., : 03-CV-03819 (RJS)
ORCHID BIOSCIENCES, INC., AFFYMETRIX, : 03-CV-03816 (RJS)
INC., ROCHE DIAGNOSTICS GMBH, AND : 04-CV-01555 (RJS)
ROCHE MOLECULAR SYSTEMS, INC. AS : 04-CV-04046 (RJS)
DEFENDANTS AND/OR DECLARATORY : 03-CV-08907 (RJS)
JUDGMENT PLAINTIFFS, :
 :
and :
 :
YALE UNIVERSITY, :
 :
Nominal Defendant. :
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**SECOND SUPPLEMENTAL DECLARATION OF ROBERT J. GUNTHER, JR. IN
SUPPORT OF DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT**

I, Robert J. Gunther, Jr., declare as follows:

1. I make the following declaration based on my personal knowledge and of my own free will. I am over 21 years of age and have never been convicted of a felony. I am a partner in the law firm of Wilmer Cutler Pickering Hale and Dorr LLP and am admitted

to practice in New York. I represent Declaratory Judgment Plaintiffs Roche Diagnostics GmbH and Roche Molecular Systems, Inc. (collectively “Roche”).

2. On October 11, 2011, I submitted Declaration of Robert J. Gunther, Jr. in Support of Defendants’ Joint Motion for Summary Judgment. Exhibit 14 to that declaration is a copy of an Expert Report of George R. Stark, Ph.D., signed June 8, 2005 (“Stark Report”).

3. Per the Court’s August 13, 2012 request, attached hereto is a corrected version of Exhibit 14, which is a true and correct copy of the Stark Report.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: August 17, 2012

/s/ Robert J. Gunther, Jr.
Robert J. Gunther, Jr.